

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB40)

Received: 5/10/2013 Received By: rkite
Wanted: As time permits Same as LRB:
For: Legislative Fiscal Bureau By/Representing: Bonderud
May Contact: Drafter: rkite
Subject: Buildings/Safety - fire safety Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Legislative Fiscal Bureau
Carbon copy (CC) to:

Pre Topic:

LFB:.....Bonderud -

Topic:

Fire dues eligibility

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 5/10/2013			_____			
/1		jdye 5/13/2013	rschlue 5/13/2013	_____	srose 5/13/2013		

FE Sent For:

<END>

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5/3/13

FE Sent For:

<END>

Kite, Robin

From: Bonderud, Kendra
Sent: Friday, May 10, 2013 11:44 AM
To: Kite, Robin; Gibson-Glass, Mary
Subject: drafting request - fire dues

Robin and Mary,

Does one of you draft in the area of fire dues in DSPS? If so, could you prepare a JFC budget draft for me? If not, could you refer this to the proper attorney? Yesterday JFC adopted Motion 137. The first paragraph related to Alternative 3 is just dollars which I will take care of. The second paragraph requires drafting in s. 101.575, hopefully a simple draft.

Please let me know if you have questions.

Thanks.



137.pdf

Kendra Bonderud

Fiscal Analyst
Wisconsin Legislative Fiscal Bureau
ph. (608) 266-3847
Kendra.Bonderud@legis.wisconsin.gov

SAFETY AND PROFESSIONAL SERVICES --
BUILDINGS AND ENVIRONMENTAL REGULATION

Fire Incident Reporting System and Fire Dues Reestimate
[LFB Paper #580]

Motion:

Move to adopt Alternative 3. This would approve the Governor's recommendation to provide \$180,000 PR annually for the fire reporting services contract, as modified to provide \$95,000 of the funding on a one-time basis during the 2013-15 biennium. It would reestimate the fire dues distribution to local fire departments to \$16,070,000 in 2013-14 and \$16,340,000 in 2014-15.

In addition, require that, in order to be eligible for fire dues payments from the state, a local fire department must be in substantial compliance with the s. 101.141 requirements to keep records of fires and submit the reports of fires to the U.S. Fire Administration for inclusion in the National Fire Incident Reporting System, in addition to being in substantial compliance with other current eligibility requirements. In addition, require that local fire departments must self-certify compliance with the fire incident reporting requirements, in addition to self-certifying compliance with current eligibility requirements.

Note:

Currently, s. 101.575 (4) of the statutes requires DSPS to determine whether a local government is entitled to receive a fire dues payment.

Any city, village, or town may receive fire dues if it has a fire department which meets all of the following requirements: (a) is organized to provide continuous fire protection in the city, village, or town and has a designated chief; (b) singly, or in combination with another fire department under a mutual aid agreement, can ensure the response of at least four fire fighters, none of whom is the chief, to a first alarm for a building; (c) provides a training program in accordance with DSPS rules; (d) provides facilities capable, without delay, of receiving an alarm and dispatching fire fighters and apparatus; and (e) maintains either a voluntary fire department that holds a meeting at least once each month or a paid or partly paid fire department with sufficient personnel ready for service at all times.

The city, village, or town maintaining a fire department may only use fire dues for the direct provision of the following four activities: (a) the purchase of fire protection equipment; (b) fire

inspection and public education; (c) training of fire fighters and fire inspectors performing public fire education and fire inspection duties; and (d) whole or partial funding of fire fighters' pension funds or other special funds for the benefit of disabled or retired fire fighters.

In addition to these requirements, the municipality must be in substantial compliance with all specified program requirements. Before DSPS pays fire department dues to a city, village or town, the Department is required to determine that the city, village, town, or fire department is in substantial compliance with the program requirements to: (a) spend fire dues only on permitted uses; (b) comply with program requirements; and (c) provide for fire inspections of every public building and place of employment in the fire department's territory, generally at least once in each non-overlapping six-month period per calendar year, or two inspections per year, except in the City of Milwaukee, which establishes its own inspection schedule.

DSPS utilizes a self-certification process whereby, on or before April 1 of every year, the city, village, or town clerk, and the chief of the fire department providing fire protection to the municipality, must complete an online registration and certification process. The officials must certify that the fire department is in substantial compliance with the fire dues program requirements.

If DSPS determines that a city, village, or town does not meet the "substantial compliance" eligibility requirements, DSPS pays the fire dues to the municipality for that calendar year and issues a notice of noncompliance to the chief of the fire department, the governing body and the highest elected official of the municipality. If the municipality does not meet the requirements within one year after receipt of the notice or prior to the next audit by DSPS, whichever is later, the city, village, or town will not be entitled to fire dues for that year and for all subsequent calendar years until the requirements are met.

Currently, a local fire department is required, under s. 101.141, to file a report for each fire that involves a building within the boundaries of the municipality, with the U.S. Fire Administration for inclusion in the National Fire Incident Reporting System. Currently, a local fire department is not required to demonstrate substantial compliance with this statutory requirement in order to be eligible for fire dues payments. Under the motion, the local fire department would have to demonstrate substantial compliance with the fire incident reporting requirements in order to be eligible for fire dues payments.

[Change to Bill: \$1,610,000 PR]



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBb0076/2

RNK:.....

LFB:.....Bonderud - Fire dues eligibility

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 40

1 At the locations indicated, amend the bill as follows:

2 1. Page 792, line 14: after that line insert:

3 "SECTION 1708m. 101.575 (4) (a) 1. of the statutes is amended to read:

4 101.575 (4) (a) 1. The department determines that the city, village, town or fire
5 department is in substantial compliance with sub. (6) and ss. 101.14 (2) and
6 101.141 (1) and (2). The department shall establish by rule the meaning of
7 "substantial compliance" for purposes of this subdivision.

History: 1971 c. 185 s. 7; 1975 c. 94 s. 91 (9); 1975 c. 372 s. 15; Stats. 1975 s. 601.95; 1977 c. 29; 1979 c. 34, 221; 1981 c. 20 ss. 1754 to 1758, 2202 (26) (b); Stats. 1981 s. 101.59; 1981 c. 364 s. 3; Stats. 1981 s. 101.575; 1987 a. 399; 1989 a. 31; 1991 a. 187; 1993 a. 213; 1997 a. 27; 2003 a. 219.

8 SECTION 1708r. 101.575 (4) (a) 2. of the statutes is amended to read:

9 101.575 (4) (a) 2. The city, village or town has submitted a form which is signed
10 by the clerk of the city, village or town and by the chief of the fire department
11 providing fire protection to that city, village or town, which is provided by the

1 department by rule and which certifies that the fire department is in substantial
2 compliance with this section or the department has audited the city, village, town or
3 fire department and determined that it is in substantial compliance with sub. (6) and
4 ~~s. ss.~~ 101.14 (2) and 101.141 (1) and (2).[✓] The department shall establish by rule the
5 meaning of “substantial compliance” for purposes of this subdivision.”.[✓]

History: 1971 c. 185 s. 7; 1975 c. 94 s. 91 (9); 1975 c. 372 s. 15; Stats. 1975 s. 601.95; 1977 c. 29; 1979 c. 34, 221; 1981 c. 20 ss. 1754 to 1758, 2202 (26) (b); Stats. 1981 s. 101.59; 1981 c. 364 s. 3; Stats. 1981 s. 101.575; 1987 a. 399; 1989 a. 31; 1991 a. 187; 1993 a. 213; 1997 a. 27; 2003 a. 219.

(END)



State of Wisconsin
2013 – 2014 LEGISLATURE



LRBb0076/1
RNK:jld:rs

LFB:.....Bonderud – Fire dues eligibility

FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 40

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 792, line 24: after that line insert:

3 **“SECTION 1710m.** 101.575 (4) (a) 1. of the statutes is amended to read:

4 101.575 (4) (a) 1. The department determines that the city, village, town or fire
5 department is in substantial compliance with sub. (6) and ~~s.~~ ss. 101.14 (2) and
6 101.141 (1) and (2). The department shall establish by rule the meaning of
7 “substantial compliance” for purposes of this subdivision.

8 **SECTION 1710r.** 101.575 (4) (a) 2. of the statutes is amended to read:

9 101.575 (4) (a) 2. The city, village or town has submitted a form which is signed
10 by the clerk of the city, village or town and by the chief of the fire department
11 providing fire protection to that city, village or town, which is provided by the

1 department by rule and which certifies that the fire department is in substantial
2 compliance with this section or the department has audited the city, village, town or
3 fire department and determined that it is in substantial compliance with sub. (6) and
4 s. ss. 101.14 (2) and 101.141 (1) and (2). The department shall establish by rule the
5 meaning of “substantial compliance” for purposes of this subdivision.”.

6 (END)